



**Service of Process
Transmittal**

05/26/2017

CT Log Number 531302187

TO: Michael O McKown
Murray Energy Corporation
46226 National Rd W
Saint Clairsville, OH 43950-8742

RE: Process Served in West Virginia

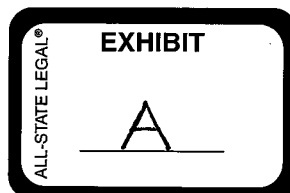
FOR: The Marshall County Coal Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Michael D. Stern, et al., Pltfs. vs. The Marshall County Coal Company, et al., Dfts.
DOCUMENT(S) SERVED: Letter, Summons, Complaint
COURT/AGENCY: Marshall County Circuit Court, WV
Case # 17C106
NATURE OF ACTION: The Defendants have violated the Surface Coal Mining and Reclamation Control Act and the regulations promulgated pursuant to said Act and the violations continue to this day
ON WHOM PROCESS WAS SERVED: C T Corporation System, Charleston, WV
DATE AND HOUR OF SERVICE: By Certified Mail on 05/26/2017 postmarked on 05/24/2017
JURISDICTION SERVED : West Virginia
APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service
ATTORNEY(S) / SENDER(S): Eric M. Gordon
Berry, Kessler, Crutchfield, Taylor & Gordon
514 Seventh Street
Moundsville, WV 26041
304-845-2580
ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1Z0399EX0105812801
Image SOP
Email Notification, Michael O McKown mmckown@coalsource.com
Email Notification, Kathy Bartek kbartek@coalsource.com
Email Notification, Robert E Murray bobmurray@coalsource.com
Email Notification, Jason D Witt jwitt@coalsource.com
Email Notification, Michael O McKown mmckown@coalsource.com
Email Notification, Cody Nett codynett@coalsource.com
Email Notification, Catherine Parsons catherineparsons@coalsource.com

Page 1 of 2 / SP

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**Service of Process
Transmittal**

05/26/2017

CT Log Number 531302187

TO: Michael O McKown
Murray Energy Corporation
46226 National Rd W
Saint Clairsville, OH 43950-8742

RE: Process Served in West Virginia

FOR: The Marshall County Coal Company (Domestic State: DE)

SIGNED: C T Corporation System
ADDRESS: 5400 D Big Tyler Road
Charleston, WV 25313
TELEPHONE: 919-821-7139

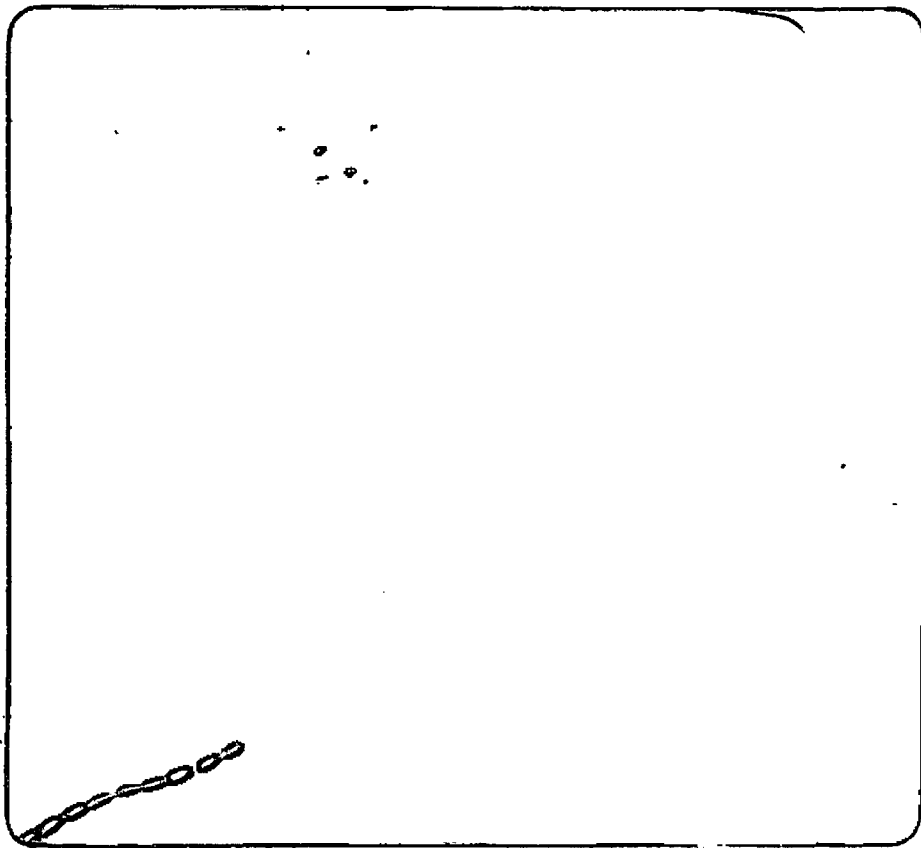
CERTIFIED MAIL



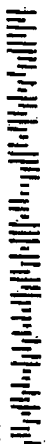
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0000336774 MAY. 24. 2017.



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1610-03



Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8883
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9214 8901 1251 3410 0002 0864 25

THE MARSHALL COUNTY COAL COMPANY
C. T. Corporation System
5400 D Big Tyler Road
CHARLESTON, WV 25313

Control Number: 195672

Defendant: THE MARSHALL COUNTY COAL
COMPANY
5400 D Big Tyler Road
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Marshall

Civil Action: 17-C-106

Certified Number: 92148901125134100002086425

Service Date: 5/23/2017

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

SUMMONS

CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

MICHAEL D. STERN ET AL
PLAINTIFF,

VS.

THE MARSHALL COUNTY COAL COMPANY ET AL
DEFENDANT.

CIVIL ACTION NO. 17-CV-00093

JUDGE: JEFFREY D. CRAMER

ACCEPTED FOR
SERVICE OF PROCESS
2017 MAY 23 A 10:28
CLERK OF STATE
COURT
WEST VIRGINIA

To the above named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned
and required to serve upon , ERIC M. GORDON, ESQ, whose address is 514 SEVENTH
STREET MOUNDSVILLE, WV 26041, an answer including any related counterclaim
you may have to the complaint filed against you in the above civil action, a true copy of
which is herewith delivered to you. You are required to serve your answer within 20 days
after service of this summons upon you, exclusive of the day of service. If you fail to do so,
judgment by default will be taken against you for the relief demanded in the complaint and
you will be thereafter barred from asserting in another action any claim you may have which
must be asserted by counterclaim in the above style civil action.

Joseph Rucki

CLERK OF COURT

Dated: May 18, 2017

BY:

Joseph M. Rucki
DEPUTY CLERK

Please Serve:

THE MARSHALL COUNTY COAL COMPANY ET AL
C/O CT CORPORATION SYSTEM
5400 D BIG TYLER ROAD
CHARLESTON, WV 25313

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IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

**MICHEAL D. STERN and
AMY STERN, his wife,**

Plaintiffs,

v.

CIVIL ACTION NO. 17-C- 106 C

**THE MARSHALL COUNTY COAL COMPANY,
a Delaware Corporation and the McELROY COAL
COMPANY, a Delaware Corporation,**

Defendants.

COMPLAINT

Now come your Plaintiffs, Michael D. Stern and Amy L. Stern, his wife, by and through their counsel, Eric M. Gordon, of Berry, Kessler, Crutchfield, Taylor & Gordon, and complain and avers, as follows:

COUNT I

1. The Plaintiffs, Michael D. Stern and Amy L. Stern, are the owners of property situate in Cameron District, Marshall County, West Virginia. Said property is more particularly described as Lot 1, Tier 5, McCracken Addition, and shown on Tax Map 17, as Parcel No. 16 and 54 acres 35 Sq Rds M Grave Creek, shown on Tax Map 17, as Parcel 20, in Cameron District, Marshall County, West Virginia, and which property is more particularly described in the deed from Robert D. Mastowski and Karen D. Tressler, dated December 9, 2016 and of record in the Marshall County Clerk's Office in Deed Book 909, at page 553.

2. The Defendant, The Marshall County Coal Company, is a Delaware corporation licensed to do business in the State of West Virginia, with its local office address of Cameron Portal, 57 Goshorn Woods Road, Cameron, West Virginia, 26033.

3. The Defendant, McElroy Coal Company, is a Delaware corporation licensed to do business in the State of West Virginia, with its local office address of 46226 National Road, St. Clairsville, Ohio, 43950.

4. The Defendants, one or both of them, did, beginning on or about June of 2015, conduct long-wall mining under and adjacent to the above described property owned by the Plaintiffs. Subsequent to mining and continuing to this day the Plaintiffs have noticed damages to their property.

5. As a direct and proximate result of the long-wall mining operations conducted by one or both of the Defendants, the Plaintiffs suffered damages, all of which are continuing in nature, including, but not limited to, the following:

- a. a loss of natural water sources and supplies on the property,;
- b. a diminution of the total value of their property;
- c. loss of use of their property;
- d. annoyance and inconvenience; and
- e. a functional impairment of their surface lands including physical changes having a significant impact on their lands current or reasonably foreseeable uses.

6. To date, the Defendants have failed to correct the damages or adequately compensate the Plaintiffs for the same.

COUNT II

7. Plaintiffs replead each and every allegation contained within Count I of this Complaint as if fully set forth herein.

8. The Defendants owe a duty to the Plaintiffs pursuant to the permit issued them, their own subsidence control plan, and, as well, the Surface Coal Mining and Reclamation

Control Act and the regulations promulgated thereto, to among other things, maintain the value and reasonably foreseeable use of the overlying surface lands; to correct any material damage to surface land the facilities or structures located thereon or to compensate the owners for said damage; to replace the loss of natural water on the property by supplying water of equal quantity and quality; and to take all reasonable measures to present subsidence related damage to Plaintiffs' property and structures.

9. The Defendants have violated the terms of the Mining permit granted them by the State of West Virginia and, specifically, the Subsidence Control Plan they prepared as a part of the permit and the violations continue to this day.

10. The Defendants have violated the Surface Coal Mining and Reclamation Control Act and the regulations promulgated pursuant to said Act and the violations continue to this day.

11. The Defendants have violated all of the same by failing to provide for adequate maintenance, replacement, repair, or compensation to the Plaintiffs for the damages they suffered and by failing to take measures prior to mining to prevent subsidence on the property.

COUNT III

12. Plaintiffs replead each and every allegation contained within Count I and II of this Complaint as if fully set forth herein.

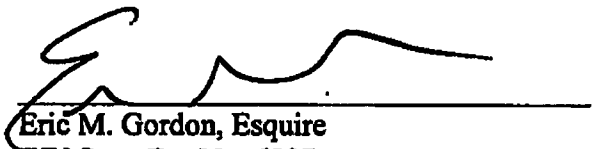
13. The Defendants' actions were willful, wanton, intentional, reckless, and malicious demonstrating criminal indifference to the obligations they owed to the Plaintiffs.

14. The Defendants' intentional disregard of laws designed to protect the interests of the public entitles the Plaintiffs to punitive damages.

WHEREFORE, your Plaintiffs demand judgment against the Defendants in an amount sufficient to compensate them for their damages, punitive damages, pre-judgment and post-

judgment interest; expert fees, attorney's fees and costs and such other further relief as the Court deems proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.



Eric M. Gordon, Esquire

WV State Bar No. 6897

Counsel for Plaintiffs

Berry, Kessler, Crutchfield, Taylor & Gordon

514 Seventh Street

Moundsville, West Virginia 26041

Telephone: (304) 845-2580

Facsimile: (304) 845-9055

E-Mail: egordon@bkctg.com

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BERRY, KESSLER,
CRUTCHFIELD, TAYLOR
& GORDON
ATTORNEYS AT LAW
514 SEVENTH ST
MOUNDSVILLE, W VA
26041